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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,097	12/29/2000	Aaron M. Linz	41980.001017	4005

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HUNTON & WILLIAMS
1900 K Street, N.W.
Washington, DC 20006-1109

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,097

Applicant(s)

LINZ, AARON M.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/00; 7/26/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 are presented for examination.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The declaration states that there are joint inventors; however, only one inventor is listed in the signature section.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (please see page 5). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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5. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-10 are directed toward a method and recite a useful, concrete, and tangible result; however, claims 1-10 only recite a nominal recitation of the technological arts. Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. Solely transmitting data via a computer is not deemed to apply, involve, use, or advance the underlying process. In order to overcome this rejection, it is respectfully suggested that at least one of the core steps of the invention (e.g., generating a list of one or more applicants matching criteria...) be expressly recited as performed by a computer.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-7, 9-13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurzius et al. (U.S. Patent No. 6,385,620).

Kurzius discloses a method for scheduling a personal meeting over a computer network, comprising the steps of:

[Claim 1] scanning a first database including data entries descriptive of each of one or more applicants (col. 4, lines 32-48; col. 5, lines 49-67; col. 8, lines 28-40);

scanning a second database including data entries descriptive of each of one of more applicant criteria (col. 4, lines 32-48; col. 5, lines 49-67; col. 8, lines 28-40);

generating a list of one or more applicants matching certain of the one or more applicant criteria based on the scanning of the first and second databases (col. 8, lines 28-40; col. 15, lines 3-56); and

sending a message to the one or more applicants on the list, the message including information describing at least one of the following: a proposed meeting date, a proposed meeting time, persons to be present during a meeting, information required of the applicant prior to a meeting, and directions to a meeting (col. 14, lines 28-39; col. 18, lines 24-26 – The interview invitation sent to a candidate indicates that the candidate is to be present at the interview/meeting);

[Claim 3] wherein the criteria include desired qualifications for one or more jobs (col. 6, lines 59-63; col. 8, lines 28-40; col. 15, lines 3-56);

[Claim 4] receiving the information descriptive of one or more applicants over the computer network (Figs. 1, 2);

[Claim 5] modifying the list to add or remove applicants prior to the step of sending (col. 14, lines 5-39 – The recruiter reviews the list of matched candidates before deciding which candidates, or applicants, to notify, e.g., to request an interview.

Effectively, the recruiter has the option of adding or removing applicants from the list of matched candidates prior to sending an electronic mail to select applicants);

[Claim 6] wherein the step of sending is performed by transmitting the message over the computer network (col. 14, lines 28-39; col. 18, lines 24-26);

[Claim 7] wherein the steps of scanning are performed by extracting keywords present in the first and second databases, and the step of generating is performed by matching data entries in the first and second databases having a minimum number of common keywords (col. 6, lines 59-63; col. 8, lines 28-40; col. 15, lines 3-56 – Data is parsed and records are matched accordingly. Matched records may be ranked based on the degree of match. This implies that an assessment of indexed criteria, or keywords, is performed to determine matches);

[Claim 9] refining the one or more applicant criteria to include criteria not related to keywords (col. 6, lines 34-53 – Recruiters may be offered additional fields in candidate review templates to add notes related to his/her interest in the candidate);

[Claim 10] assigning certain of the one or more applicant criteria a higher status (col. 8, lines 28-40; col. 15, lines 8-32).

[Claims 11-13, 15] Claims 11-13 and 15 recite limitations already addressed by the rejection of claims 1, 3-7, 9, and 10 above; therefore, the same rejection applies.

Furthermore, as per claim 11, Kurzius teaches one or more instructions for responding over the computer network to a request for information from an applicant for additional information (col. 14, lines 35-38).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al. (U.S. Patent No. 6,385,620), as applied to claims 1 and 12 above.

As per claims 8 and 16, Kurzius matches job candidates to job openings based on common qualifications, yet Kurzius does not expressly teach the use of natural language searching to identify such matches. However, Official Notice is taken that it is old and well-known in the art to utilize natural language searching to identify patterns. The matching of candidates to job openings relies on an ability to recognize patterns between the desired qualifications for a job opening to the possessed qualifications of job candidates. Natural language analysis provides for a more realistic and versatile assessment of patterns based on logic that more precisely mimics human reasoning; therefore, natural language analysis often provides more accurate pattern matching than the sole, rigid matching of a limited list of words and phrases. Kurzius' invention relies on the ability to effectively match job candidates to job openings; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Kurzius' matching capabilities with natural language searching such that the steps of scanning are performed using natural language searching of data entries in the first and second databases, and the step of

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generating is performed by matching natural language interpretations of data entries in the first and second databases in order to yield a more realistic and versatile assessment of patterns (e.g., the matching of job candidates and job openings) based on logic that more precisely mimics human reasoning.

10. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al. (U.S. Patent No. 6,385,620), as applied to claims 1 and 11 above, in view of McGovern et al. (U.S. Patent No. 5,978,768) or Joao (U.S. Patent No. 6,662,194) or Cooper et al. (WO 99/17242).

Regarding claims 2 and 14, Kurzius discloses the sending of an electronic message from a recruiter to a job candidate of interest, yet Kurzius does not expressly teach that the electronic message is in the form of html links to information accessible over the internet. However, McGovern, Joao, or Cooper makes up for this deficiency in each reference's respective teaching of the sending of an e-mail on behalf of an employer to a job applicant regarding a job opening, along with a link to the employer's web site to view more information regarding the job opening. See at least col. 16, lines 5-25 of McGovern, col. 31, line 55 through col. 32, line 28 of Joao, and page 11, lines 14-18 of Cooper. This feature allows the job candidates to more thoroughly review the description of the job opening and employer before alerting the employer as to whether or not he/she is truly interested in the job opening, thereby making more effective use of the employer's time by narrowing down the list of potential job candidates to those who are most likely interested in the available position. Kurzius' invention is described as

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making the overall candidate recruitment process more time efficient and less expensive (col. 15, line 57 through col. 16, line 10); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Kurzius' invention such that at least some of the information in the messages sent to job candidates is in the form of html links to information accessible over the Internet so that job candidates may more thoroughly review the description of the job opening and employer before alerting the employer as to whether or not he/she is truly interested in the job opening, thereby making more effective use of the employer's time by narrowing down the list of potential job candidates to those who are most likely interested in the available position (which is in line with the stated goal of Kurzius' invention).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

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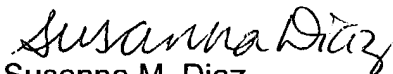
**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.


Susanna M. Diaz
Primary Examiner
Art Unit 3623
June 14, 2004